

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-CR-00265-RJC-DCK

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	ORDER
)	
KENWANIEE VONTARIAN TATE)	
a/k/a Keno)	
)	
Defendant.)	
)	

THIS MATTER is before the Court upon Defendant's Motion to Sever Count Two, (Doc. No. 19), and the Government's Response to Defendant's Motion to Sever and Joint Motion to Bifurcate, (Doc. No. 25).

For the reasons stated in the Government's Response and Motion, the Court finds that severance is not necessary in order to preserve Defendant's right to a fair trial. However, the Court finds that trying the two counts together may result in unfair prejudice to Defendant, and therefore, Defendant has sufficient cause for a bifurcated trial. Accordingly, the Court will conduct a bifurcated trial, in which the jury will first consider the allegations and render a verdict as to Count One and then consider the allegations and render a verdict as to Count Two.

IT IS, THEREFORE, ORDERED that:

1. Defendant's Motion to Sever Count Two, (Doc. No. 19), is **DENIED**;
2. The Government's Response to Defendant's Motion to Sever and Joint Motion to Bifurcate, (Doc. No. 25), is **GRANTED**; and
3. The Court will conduct a bifurcated trial, in which the jury will first consider the allegations contained in Count One of the Bill of Indictment, and after it renders a verdict

as to Count One, the Court will conduct a separate proceeding as to Count Two.

Signed: April 11, 2016

Robert J. Conrad Jr.

Robert J. Conrad, Jr.
United States District Judge

